

Senate

Regular Calendar

Amendment Packet

Monday, February 24, 2020

Amendment No. 1 to SB1568

Bell
Signature of Sponsor

AMEND Senate Bill No. 1568

House Bill No. 1583*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-211(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) While mandated to comply with the requirements of this part, no sexual offender or violent sexual offender, whose victim was a minor, shall knowingly reside or conduct an overnight visit at a residence in which a minor resides or is present. Notwithstanding this subsection (c), the offender may reside, conduct an overnight visit, or be alone with a minor if the offender is the parent of the minor, unless:

(A) The offender's parental rights have been or are in the process of being terminated as provided by law;

(B) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender; or

(C) The offender has been convicted of a sexual offense or violent sexual offense and the following conditions have been satisfied:

(i) The victim of the sexual offense or violent sexual offense was a minor twelve (12) years of age or less; and

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(ii) A circuit court, exercising its jurisdiction over civil matters, has found by clear and convincing evidence that the offender presents a danger of substantial harm to the minor.

(2) For purposes of subdivision (c)(1)(C):

(A) The district attorney general for the judicial district in which the minor resides may petition the court to make a finding described in subdivision (c)(1)(C)(ii) at any time the offender is required to register pursuant to this part;

(B) The offender must be provided notice and an opportunity to be heard;

(C) When determining whether the offender poses a danger of substantial harm to a minor, the court may consider the facts and circumstance of the offense, the offender's most recent efforts to rehabilitate, compliance with community supervision as provided in § 39-13-524 if applicable, any violations of this part as specified in § 40-39-208, and other relevant evidence;

(D) All files and records of the court in the proceeding must be treated as confidential and shall not be open to the public or disclosed to the public, but are open to:

(i) The judge, officers, and professional staff of the court;

(ii) The parties to the proceeding and their counsel and representatives;

(iii) Any parent or legal guardian of the minor other than the offender;

(iv) The offender's registering agency; and

(v) With permission of the court, any other person or agency having a legitimate interest in the proceeding;

(E) The court must enter a written order stating its findings. If the court finds that the offender presents a danger of substantial harm to the minor, the district attorney general shall provide the court's finding to the offender's registering agency;

(F) No sooner than two (2) years after the date of entry of the circuit court's order, the offender may petition the court for reconsideration of a finding that the offender presents a danger of substantial harm to the minor. The offender must show, by clear and convincing evidence, that the offender no longer presents a danger of substantial harm to the minor; and

(G) An appeal from a final order or judgment under subdivision (c)(1)(C)(ii) may be made to the court of appeals. A finding that the offender presents a danger of substantial harm to the minor shall remain in effect pending the outcome of the appeal.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1615

Bailey
Signature of Sponsor

AMEND Senate Bill No. 1615

House Bill No. 1606*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-28-517(a), is amended by adding the following as a new subdivision:

Refuses to vacate the premises after entering the premises as an unauthorized subtenant or other unauthorized occupant;

SECTION 2. Tennessee Code Annotated, Section 66-7-109, is amended by designating existing subsection (f) as subsection (g) and adding the following as a new subsection (f):

(f) Three-days' notice by a landlord is sufficient notice of termination of tenancy for the purpose of eviction of an unauthorized subtenant or other unauthorized occupant, if the termination of tenancy is for refusal by the unauthorized subtenant or other unauthorized occupant to vacate the premises.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it.

Amendment No. 1 to SB1616

Gresham
Signature of Sponsor

AMEND Senate Bill No. 1616

House Bill No. 1617*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-406(b), is amended by deleting the language "fourteen (14) days" and substituting instead the language "five (5) business days".

SECTION 2. Tennessee Code Annotated, Section 49-5-406(b), is further amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) As used in this subsection (b), "business day" means a day other than a Saturday, Sunday, or legal holiday. For purposes of computing the time within which a person must respond to an employment notification under this subsection (b), the five-business-day period begins with the first business day after the date on which the person received the employment notification.

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to offers of employment made on or after that date.

Senate Government Operations Committee 1

Amendment No. 1 to SB1687

Roberts
Signature of Sponsor

AMEND Senate Bill No. 1687*

House Bill No. 1765

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by deleting subdivision (41).

SECTION 2. Notwithstanding § 4-29-112, the soil scientist advisory committee, created by § 62-18-210, shall terminate and shall cease to exist upon the effective date of this act.

SECTION 3. Tennessee Code Annotated, Section 62-18-211, is amended in the first sentence by deleting the language ", under advisement from SSAC,".

SECTION 4. Tennessee Code Annotated, Section 62-18-210, is amended by deleting the section.

SECTION 5. Tennessee Code Annotated, Section 62-18-213, is amended by deleting the language "department, its staff, or the SSAC" wherever it appears and substituting instead the language "department, or its staff".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Transportation and Safety Committee 1

Amendment No. 1 to SB1734

Massey
Signature of Sponsor

AMEND Senate Bill No. 1734

House Bill No. 1682*

by adding the following as new subsections (d) and (e) in SECTION 1:

(d) As used in this section, "change", with respect to the changing of public roads, does not include any proposed or actual reduction of the maximum gross weight limits of freight motor vehicles operating over public roads.

(e) Nothing in this section shall be construed to supersede § 55-7-205(a)(8). To the extent that this section is in conflict with § 55-7-205(a)(8), § 55-7-205(a)(8) controls.

Amendment No. 1 to HB1643

Bell
Signature of Sponsor

AMEND Senate Bill No. 1747

House Bill No. 1643*

by deleting all language after the caption and substituting instead the following:

WHEREAS, in 2015, the members of the One Hundred Ninth General Assembly passed the Tennessee Animal Abuser Registration Act, which became Public Chapter 413; and

WHEREAS, the act requires offenders convicted of aggravated cruelty to animals, felony animal fighting, or sexual activity with an animal to be entered on a public animal abuser registry in an effort to prevent future animal abuse by those offenders; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-203(c)(1), is amended by adding the following language to the end of the subdivision:

Notwithstanding § 40-35-111, in addition to any other penalty imposed, the court shall prohibit the defendant from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this subdivision (c)(1) from having custody of any companion animal for the person's lifetime.

SECTION 2. Tennessee Code Annotated, Section 39-14-212, is amended by deleting subsection (e) and substituting instead the following:

(e) In addition to the penalty imposed by subsection (d), the sentencing court shall order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of the animals to the agency presenting the case. Notwithstanding § 40-35-111, the court shall prohibit the defendant

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Signature of Sponsor

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from having custody of companion animals for at least two (2) years from the date of conviction and may impose a lifetime prohibition. The court may also impose any other reasonable restrictions on the person's custody of other animals as is necessary for the protection of the animals. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 3. Tennessee Code Annotated, Section 39-14-214(c), is amended by deleting the subsection and substituting instead the following:

(c) In addition to the penalty imposed in subsection (b):

(1) The court may order that the convicted person do any of the following:

(A) Not harbor or own animals or reside in any household where animals are present;

(B) Participate in appropriate counseling at the defendant's expense; or

(C) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a); and

(2) Notwithstanding § 40-35-111, the court shall prohibit the convicted person from having custody of any companion animal, as defined in § 39-14-212(b), for a period of at least two (2) years from the date of conviction and may

impose a lifetime prohibition. The court shall prohibit any person convicted of a second or subsequent offense under this section from having custody of any companion animal for the person's lifetime.

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to offenses committed on or after that date.

Amendment No. 1 to SB1912

Crowe
Signature of Sponsor

AMEND Senate Bill No. 1912

House Bill No. 1917*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-164(a)(1), is amended by deleting the language "acupuncture, and other such treatments" and substituting instead the language "nonopioid medicinal drugs or drug products, occupational therapy, acupuncture, interventional procedures or treatments, and other such treatments".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to SB1946

Gresham
Signature of Sponsor

AMEND Senate Bill No. 1946

House Bill No. 1826*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-610, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) The commissioner shall develop formative assessment question banks that are aligned to state-mandated summative assessments measuring the academic progress of students. The department of education shall make the formative assessment question banks available for use by LEAs. The commissioner shall begin developing the formative assessment question banks required under this subsection (b) no later than July 1, 2020.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate State and Local Government Committee 1

Amendment No. 1 to SB1958

Dickerson
Signature of Sponsor

AMEND Senate Bill No. 1958

House Bill No. 1933*

by deleting the language "if appropriate" from subdivision (2)(C) in Section 1 and substituting instead the language "when deemed necessary".

AND FURTHER AMEND by deleting subsection (e) from Section 3 and substituting instead the following:

(e) The emergency communication district, state, county, and municipality are not liable for any civil damages or suit of any nature for employees who provide assistance or instruction on T-CPR to a caller or bystander on an emergency call.

Amendment No. 1 to HB2854

Bell
Signature of Sponsor

AMEND Senate Bill No. 2651

House Bill No. 2854*

by deleting all language after the caption and substituting instead the following:

WHEREAS, it is the consensus of the General Assembly that Tennessee Code Annotated, Section 28-3-110, was not at any time intended to require judgments or decrees in domestic relations matters issued by a court with domestic relations jurisdiction to be renewed; and

WHEREAS, it is the intent of the General Assembly that all judgments or decrees in a domestic relations matter issued by a court with domestic relations jurisdiction be enforceable and remain in effect from the date of entry until paid in full or otherwise discharged; and

WHEREAS, it is not the intent of the General Assembly to render any judgment or decree in a domestic relations matter issued by a court with domestic relations jurisdiction unenforceable by the passage of this act; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 28-3-110, is amended by adding the following language as a new subsection:

(e) Notwithstanding subsection (a), there is no time within which a judgment or decree in a domestic relations matter issued by a court with domestic relations jurisdiction pursuant to title 36 must be acted upon, unless otherwise specifically provided for under title 36.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.